

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

2005 MAR 17 Civil Action No.
04-12126 EFH

U.S. DISTRICT COURT
DISTRICT OF MASS.

*
WILLIAM FOLEY, *
*
Plaintiff, *
*
v. *
*
ALCATEL USA, INC., *
*
Defendant, *
*

JOINT STATEMENT

Pursuant to the Court's Notice of Scheduling Conference, the parties in the above-captioned matter, Plaintiff William Foley and Defendant Alcatel USA, Inc., hereby submit this Joint Statement, including the following pretrial discovery and motions plan:

I. PROPOSED DISCOVERY AND MOTIONS PLAN

The parties agree on the following pretrial schedule:

Rule 26(a) Automatic Disclosures Served By.....April 22, 2005
Motions to Amend Pleadings Filed By.....April 22, 2005
Designation of Experts By.....August 5, 2005
All Fact Discovery Completed ByAugust 19, 2005
Expert Reports Produced By.....September 19, 2005
Expert Depositions Completed By.....October 7, 2005
Motions for Summary Judgment Served By*.....November 7, 2005

*If Experts are not Designated by August 5, 2005,
all Motions for Summary Judgment
Must be Served By.....September 23, 2005

Pretrial Conference Date.....

Trial Date.....

II. ALTERNATIVE DISPUTE RESOLUTION/LOCAL RULE 16.4

The Plaintiff is amenable to engaging in mediation. However, the Defendant believes that mediation may be better suited following the conclusion of fact discovery. A settlement proposal was made to the Defendant, in writing, on March 10, 2005.

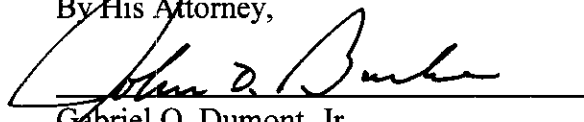
III. TRIAL BY JUDGE MAGISTRATE

The parties decline to submit to a trial by Magistrate Judge.

IV. CERTIFICATION

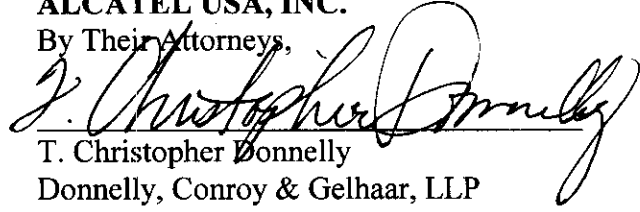
The Certifications required by Local Rule 16.1(D)(3) on behalf of the Plaintiff and Defendant are attached hereto.

For the Plaintiff,
WILLIAM FOLEY,
By His Attorney,

A handwritten signature in black ink, appearing to read "John D. Burke", is written over a horizontal line.

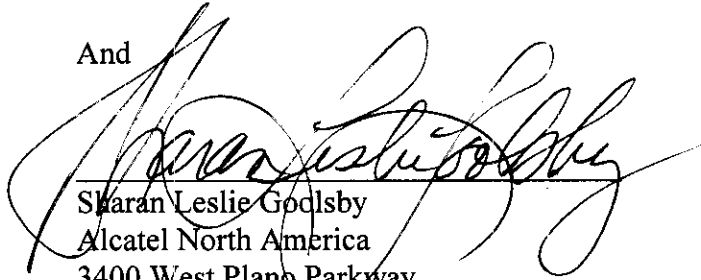
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For the Defendant,
ALCATEL USA, INC.
By Their Attorneys,



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